

Washington, D.C., September 29th — Congresswoman Rosa DeLauro (CT-3), Ranking Member on the Labor, Education, Health, and Human Services Appropriations Subcommittee, issued the following response to Chairman Rehberg's draft legislation.

"Today, Chairman Rehberg posted on the Internet a draft bill and other materials, representing his proposals for the fiscal year 2012 Labor-HHS-Education Appropriations Act.

"I am very concerned by reports that the Chairman has no plans to convene a meeting of our subcommittee to consider and mark up this legislation. While this posting of the Chairman's proposals is interesting, it is by no means an acceptable substitute for public debate and amendment. The Chairman, by himself, is not the subcommittee.

"Eleven of the 12 House appropriations subcommittees have now marked up their fiscal year 2012 legislation. The Labor-HHS-Education subcommittee stands alone in its failure to take even this first step, with markup dates having been twice announced and twice postponed. While the House has failed to act, the Senate Appropriations Committee has considered and approved their version of the Labor-HHS-Education bill at both the subcommittee and full committee levels. If no House markup is held, this would be the first time in nearly a decade that our subcommittee has failed to report out a bill.

"Such a course is a clear violation of the Republican majority's pledge to follow regular legislative order in dealing with appropriations—a pledge which the majority leadership of the House and the committee have emphasized time and again this year. I certainly hope that the majority will keep its promises, and convene a meeting of the subcommittee and then the full committee to consider a Labor, HHS, and Education appropriations bill.

"Further, if these documents represent the position that Chairman Rehberg intends to take into negotiations with the Senate, it looks like we're in for a long, difficult process. After a year of contentious budget debates, radical proposals from the new majority, and multiple threats of government shutdowns and even defaults, there had been hope that we'd be able to put all that behind us for a while and complete action on fiscal year 2012 appropriations in a reasonably timely and cooperative manner based on the spending levels agreed to in the Budget Control Act enacted last month. Judging from these proposals, though, the Republican majority doesn't seem to be on board for that goal.

"Instead, the Rehberg draft injects a whole host of new, contentious legislative issues into the process—most of them quite extraneous to the task at hand of setting funding levels for federal agencies and programs for the upcoming fiscal year. His proposal contains at least 40 brand new legislative provisions and riders, many of them highly controversial, and most dealing with complicated subjects well outside the expertise of the Appropriations Committees.

"For example, the draft bill contains no fewer than six controversial new riders relating to the National Labor Relations Board. One of them, for example, overturns 75 years of practice by removing the protections of the National Labor Relations Act from workers in any firm that falls within the SBA's definition of "small business"—a definition broad enough to encompass companies with a thousand employees in some cases. The bill also includes language amending the Davis-Bacon Act, along with provisions interfering with pending rules on subjects such as the fiduciary duties of pension plan investment advisors, wage rates for temporary foreign workers, and coal dust exposure for miners.

"Then, there's a provision to block Education Department rules designed to protect students and taxpayers from those for-profit colleges with the very worst records as far as student debt loads and defaults. There's also language prohibiting local public radio stations from using any funds they receive from the Corporation for Public Broadcasting to acquire programming from one particular provider that has evidently been singled out for the Republican majority's displeasure—National Public Radio.

"In the health area, the Rehberg draft once again includes language prohibiting use of funds to implement almost any part of the Affordable Care Act. (It makes exceptions for certain Medicare payment regulations and a few provisions relating to drug costs under Medicaid.) The prohibition would continue "until 90 days after the date on which all legal challenges to any of such provisions are complete"—which in practice will probably be a very long term and certainly the entire fiscal year covered by this bill.

"There are at least 50 million people in this country without health coverage and yet all that we hear from the Republican majority on this subject is "no". The bill's prohibition would prevent use of funds to implement reforms like prohibiting insurance companies from excluding pre-existing conditions for children, allowing young adults to stay on their parents' policies, and placing restrictions on lifetime and annual coverage limits, to give just a few examples. It would also deny funds to implement the interim "risk pool" coverage for uninsured people with health problems and to continue putting in place the systems needed for full health reform

implementation in 2014.

"Another health-related provision prohibits any funding under the bill from going to any Planned Parenthood affiliate unless the organization promises not to perform abortions with non-federal funds. Remarkably, these particular health care providers—and the patients they serve—would be denied federal funding for any purpose unless they agree to stop providing a lawful medical service using funds from patients and other non-federal sources. The main effect would probably be to prohibit Medicaid patients from choosing to receive services such as contraception and cancer screenings from Planned Parenthood clinics.

"On Pell Grants for college students, the Rehberg plan does maintain the total maximum grant at the current level of \$5,550. However, it makes a long series of amendments to the authorizing law governing Pell Grants (and, in some cases student loans and other financial aid as well), which allow the appropriation to be cut \$2.3 billion below the FY 2011 amount. Some of these changes may have merit, as a means of improving the long-term viability of the program, and I will be interested in the views of experts in the field once they have a chance to review the Chairman's legislation.

"However, some of these proposed authorizing law amendments cause serious concern. Most notably, the largest single change appears to be targeted to students who are working while going to school—especially adult students independent of their parents—and appears likely to reduce Pell Grant assistance for many in this group by many hundreds of dollars. That seems exactly the wrong step to be taking when so many people are relying on Pell Grants to go back to school or stay in school to gain the education and skills they need for jobs in the new economy.

"Turning from riders to money issues, one thing that seems puzzling about the Chairman's draft is the spending total. It's not at all clear how the Rehberg proposal fits into the Republican leadership's stated intent of producing appropriations bills consistent with the limits set in the Budget Control Act. At about \$4 billion below last year's level, it produces more savings than the \$2.5 billion in total savings prescribed for all eight "non-security" appropriations bills together. Is the majority's intent to target all of the Budget Control Act's non-security cuts (plus some more) to the education, health and other important programs funded in this bill? That seems a case of badly misplaced priorities. Or are they not intending after all to produce bills at the totals negotiated just last month? There's really no way to answer those questions unless the majority discloses how they are allocating the Budget Control Act discretionary spending totals among all of the various appropriations bills. I hope they will do so.

"As for the specific funding levels in Chairman Rehberg's proposal, there are some I strongly support. For example, Head Start receives an increase in order to continue to serve the same number of children as in the current year. Biomedical research at the National Institutes of Health gets the 3.5 percent increase recommended by the President (although I regret that the draft does not adopt the Administration's proposal to create a new National Center for Advancing Translational Sciences, to improve the process of turning basic research into new treatments). Additional funding is provided for the two main programs that assist local school districts throughout the country: increases of \$1 billion for title I grants for education for the disadvantaged and \$1.2 billion for special education. I am also glad to see that the Chairman's draft rejects the President's proposal to cut the Community Services Block Grant almost in half.

"Unfortunately, the Chairman's proposal also contains a number of harmful and ill-advised cuts. One of the most egregious items is the almost complete elimination of the Corporation for National and Community Service – the agency that administers successful programs such as Americorps and the Social Innovation Fund. The Chairman's mark simply dissolves the entire enterprise without regard for the unique role CNCS plays in our democracy. Without CNCS, there will be no Americorps, Senior Corps or Learn and Serve – programs which, taken together, serve as a powerful engine for community volunteerism to tackle America's challenges that exist right here at home.

"I am also deeply disturbed by the massive cuts to our nation's job training system. With unemployment at a staggering 9.1%, more Americans than ever are depending on the 3,000 one-stop career and training centers located in communities nationwide. This is a network funded with federal dollars but adapted at the local level to best serve each individual community. Yet the Rehberg plan proposes to cut approximately 75% from the funding level currently provided for basic grants to states and localities for training and employment. In addition, while I am relieved to see that his draft measure protects reemployment programs for veterans, it reduces funding by more than half for other nationally administered training programs that have proven results, such as Youthbuild.

"I understand the majority may claim that these cuts reflect a decision to provide only a part-year appropriation in this bill, as part of a plan to shift the federal funding cycle for job training programs. However, for the local agencies that run these programs, this technical effort is, at best, a serious disruption. Further, if the amount in the Rehberg bill is actually intended as only part-year funding, how can the majority plausibly claim that they will restore the cut and go back to the full year amount next year, when the Budget Control Act will continue to tightly constrain spending? With millions of Americans out of work, it is hard to imagine a worse time to inject such uncertainty into the workforce development system.

"Another cut that will reduce assistance to the unemployed, as well as to others in need, comes in the Low-Income Home Energy Assistance Program (LIHEAP). The Rehberg bill reduces LIHEAP by \$1.3 billion or 28 percent, even though there will be just as many people needing help this winter as last and some fuel costs are likely to be rising—especially for heating oil.

"The Rehberg plan also once again proposes to wipe out all funding for the title X family planning program, which received \$299 million in fiscal year 2011. This program helps support family planning and reproductive health services to more than 5 million people annually at 4,500 community-based clinics.

"Further, under the Rehberg plan, the Centers for Disease Control receives about \$670 million less in fiscal year 2012 than in 2011, a 10 percent cut. This is the result of reduced regular appropriations combined with rescission of all fiscal year 2012 funding for the Prevention and Public Health Fund. Support for training health professionals—particularly primary care providers—is cut by \$321 million or 62 percent. All funding under the Affordable Care Act for Community Health Centers and the National Health Service Corps (NHSC) is rescinded. As a result, Health Centers will have no more funds than last year to help care for the unemployed and uninsured. The NHSC—which provides scholarships and loan repayment assistance to doctors, dentists, and nurses who work in underserved areas—will have 55 percent less funding than in fiscal year 2011.

"Finally, the Rehberg plan fails to provide the traditional advance appropriation for the Corporation for Public Broadcasting. By far the largest portion of this appropriation is used for direct grants to help support the operation of approximately 1,300 local public television and radio stations throughout the country.

"In conclusion, the Rehberg plan fails to adequately address our nation's needs in the midst of economic crisis, while bogging down the process with politically driven legislative riders. I cannot support this measure in its current form and am eager to engage with my colleagues on both sides of the aisle and in both houses of Congress to find solutions that will make the best use of federal resources in pursuit of job creation and economic growth, as well as in support of the neediest Americans."

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